

Panaji, 10th July, 2008 (Ashada 19, 1930)

SERIES I No. 15

OFFICIAL GOVERNMENT OF GOA GAZETTE



Note: There is one Extraordinary issue to the Official Gazette, Series I No.14 dated 3-7-2008 namely, Extraordinary dated 3-7-2008 from pages 517 to 520 regarding Notification from Department of Rural Development & R.D.A.

GOVERNMENT OF GOA

Department of Elections

Office of the Chief Electoral Officer

Order

5-64-2004/ELEC/834

Subject : General Elections/Bye-Election to the House of the People and Legislative Assemblies - payment of ex-gratia compensation to the families of polling personnel who die or sustain injuries/permanent incapacitation while on duty-regarding.

As per directives of the Election Commission of India, the Government of Goa has approved the following policy for payment of ex-gratia compensation to the families of polling personnel who die/sustain injuries while on election duty, including Police Personnel, Home Guards and drivers, helpers and cleaners actually employed on vehicles not owned by the State or Central Government or their undertakings (in addition to any benefits received under Goa State Employees Group Insurance Scheme, 1996).

Nature of injury	Quantum of compensation
(i) Ex-gratia amount shall be paid to the family of the deceased Official engaged on election duty (only the personnel who draw monthly salary)	To the extent of 20 times of the monthly salary drawn by deceased official subject to the minimum of Rs.1.50 lakhs
(ii) Deceased Home Guards and other non-salaried persons	Rs. 2.00 lakhs
(iii) Permanent incapacitation involving 2 limbs, 2 eyes or 1 limb and 1 eye	Rs. 1.00 lakh
(iv) Loss of 1 limb or 1 eye	Rs. 0.50 lakh
(v) Permanent total disablement from injuries other than those mentioned above	Rs. 1.00 lakh
(vi) Permanent partial disablement	Rs. 0.40 lakh

In addition to above pension equal to last pay drawn (including HRA) by the deceased official shall be paid to the spouse till the date of superannuating of the deceased official. In case of death/remarriage of the spouse, the legal heir of the deceased official will get the last pay drawn till the date of the superannuating of the deceased official [excluding the cases of employees who is otherwise eligible and qualify for pension/family pension as per CCS (Pension) Rules, 1972].

A committee comprises of the following will sanction the ex-gratia compensation and other related claims:

1	Chief Electoral Officer, Goa	Chairman
2	Collector/District Election Officer of concerned district (North/South)	Member
3	Joint Director of Accounts, Directorate of Accounts, Panaji-Goa	Member

The expenditure shall be debitable to the Head of Account, Demand No. 06, 2015-Elections, 00-, 105-Charges for Conduct of Election to Parliament, 01-Charges for Conduct of Election to Parliament, 13-Office Expenses (N.P.) for **Lok Sabha elections**. And in case of elections to the Legislative Assembly Elections Demand No. 06, 2015-Elections, 00-, 106-Charges for Conduct of Elections to State Legislature, 01-Charges for Conduct of Elections to State Legislature, 13-Office Expenses (N.P.). The Budget Head shall be operated by the Office of the Chief Electoral Officer.

This issues with the concurrence of Finance (Expenditure) Department vide their U. O. No. 4130 dated 15-5-2008.

By order and in the name of the Governor of Goa.

Ajit Srivastava, IAS Chief Electoral Officer and Secretary (Elections).

Panaji, 23rd June, 2008.

Department of Fisheries

Directorate of Fisheries

Office of the ex officio Joint Secretary (Fisheries)

Notification

1/20/2005-FSH

Read: Notification No. 1/10/2005-FSH dated 3rd March, 2006 published in the Official Gazette, Series I No. 51 dated 23-3-2006.

The Government of Goa is hereby pleased to amend the Goa Value Added Tax based subsidy on H.S.D. Oil consumed by fishing vessels scheme, 2006, published in the Official Gazette, Series I No. 51, dated 23-3-2006, vide Notification No. 1/10/2005-FSH dated 3-3-2006, as follows:-

1. **Short title and commencement.**— (1) This scheme may be called the Goa Value Added Tax based subsidy on H.S.D. Oil consumed by fishing vessels (Amendment) Scheme, 2008.

2. It shall come into force at once.

3. **Amendment of clause 1.**— In clause 1 of the Goa Value Added Tax based subsidy on H.S.D. Oil consumed by fishing vessels, scheme, 2006, in sub-clause (2) for the expression "It shall come into force from the date of its publication in the Official Gazette", the expression "It shall be deemed to have come into force on 1st April, 2005" shall be substituted.

By order and in the name of the Governor of Goa.

S. C. Verenkar, ex officio Joint Secretary (Fisheries).

Panaji, 25th April, 2008.

Department of Information and Publicity

Order

DI/Inf/Film/Comp/07/1863

Whereas, the Government vide Notification No: DI/Inf/Sch-Fin-Film/05-06/7242 dated 22nd March, 2006 notified the scheme "Goa Scheme of Financial Assistance for Films 2006" for providing financial assistance for production of feature films in Konkani and Marathi and non-feature films including tele-films, short films and documentaries in Konkani, Marathi, English and Hindi.

And whereas, the scheme is presently being implemented by the Department of Information and Publicity and operative annually and applies to films originated and produced in Goa by Goa Producers.

And whereas, the Entertainment Society of Goa, a Society which has been set up for organizing International Film Festivals of India annually has been envisaged as the nodal institution for all film related activities/works and the proposal is therefore to transfer the implementation of the "Goa Scheme for Financial Assistance for Film 2006" to the Entertainment Society of Goa.

Now therefore, the sanction of the Government is hereby accorded to transfer the "Goa Scheme of Financial Assistance for Films 2006" to the Entertainment Society of Goa, with immediate effect.

By order and in the name of the Governor of Goa.

Nikhil U. Desai, Director, Information & Publicity & ex officio Joint Secretary.

Paraji, 3rd July, 2008.

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Department of Law & Judiciary

Legal Affairs Division

Notification

10/2/2007-LA/123

The Aircraft (Amendment) Act, 2007 (Central Act No. 44 of 2007), which has been passed by

Parliament and assented to by the President of India on 5-12-2007 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 6-12-2007, is hereby published for general information of the public.

Julio B. Noronha, Under Secretary (Law).

Porvorim, 22nd April, 2008.

THE AIRCRAFT (AMENDMENT) ACT, 2007

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further to amend the Aircraft Act, 1934.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Aircraft (Amendment) Act, 2007.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*— In section 1 of the Aircraft Act, 1934 22 of 1934. (hereinafter referred to as the principal Act), in sub-section (2),—

(i) in clause (a), the word "and" shall be omitted;

(ii) after clause (b), the following clauses shall be inserted, namely:—

"(c) to, and to the persons on, aircraft registered outside India but for the time being in or over India; and

(d) to an aircraft operated by a person who is not a citizen of India but has his principal place of business or permanent residence in India."

3. *Amendment of section 4.*— In section 4 of the principal Act, for the words "The Central Government", the words and figures "Subject to the provisions of section 14, the Central Government" shall be substituted.

4. *Insertion of new section 4A.*— After section 4 of the principal Act, the following section shall be inserted, namely:—

"4A. **Safety oversight functions.**— The Director General of Civil Aviation or any other officer specially empowered in this behalf by the Central Government shall perform the safety oversight functions in respect of matters specified in this Act or the rules made thereunder."

5 **Amendment of section 5.**— In section 5 of the principal Act,—

(a) in sub-section (1), for the words "The Central Government", the words and figures "Subject to the provisions of section 14, the Central Government" shall be substituted;

(b) in sub-section (2),—

(i) for clause (b), the following clauses shall be substituted, namely:—

"(b) the licensing, inspection and regulation of aerodromes, the conditions under which aerodromes may be maintained and the prohibition or regulation of the use of unlicensed aerodromes;

(ba) the fees which may be charged at those aerodromes to which the Airports Authority of India Act, 1994 does not apply or is not made applicable;"

(ii) after clause (g), the following clauses shall be inserted, namely:—

"(ga) the licensing of persons engaged in air traffic control;

(gb) the certification, inspection and regulation of communication, navigation and surveillance or air traffic management facilities;

(gc) the measures to safeguard civil aviation against acts of unlawful interference;"

6 **Amendment of section 5A.**— In section 5A of the principal Act, in sub-section (1), for the words, brackets, letters and figures "clauses (b), (c), (e) (f), (g), (h) and (m)", of sub-section (2) of section 5, to any person or persons engaged in aircraft operations or using any aerodrome", the words, brackets, letters and figures "clauses (aa), (b), (c) (e), (f), (g), (ga), (gb), (gc), (h), (i), (m) and (qq) of

sub-section (2) of section 5, to any person or persons using any aerodromes or, engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, communication, navigation, surveillance and air traffic management facilities and safeguarding civil aviation against acts of unlawful interference" shall be substituted.

7 **Amendment of section 7.**— In section 7 of the principal Act,—

(a) in sub-section (1), for the portion beginning with the words "The Central Government", and ending with the words "of any accident", the words and figures "Subject to the provisions of section 14, the Central Government may, by notification in the Official Gazette, make rules providing for the investigation of any accident or incident" shall be substituted;

(b) in sub-section (2), for the word "accident" wherever it occurs, the words "accident or incident" shall be substituted.

8 **Amendment of section 8.**— In section 8 of the principal Act, in sub-section (2), for the words "The Central Government", the words and figures "Subject to the provisions of section 14, the Central Government" shall be substituted.

9 **Amendment of section 8A.**— In section 8A of the principal Act, for the words "The Central Government", the words and figures "Subject to the provisions of section 14, the Central Government" shall be substituted.

10 **Amendment of section 8C.**— In section 8C of the principal Act, for the words "The Central Government", the words and figures "Subject to the provisions of section 14, the Central Government" shall be substituted.

11 **Amendment of section 10.**— In section 10 of the principal Act,—

(i) in sub-section (1), for the word "fine", the words "fine which may extend to ten lakh rupees" shall be substituted;

(ii) in sub-section (1A), for the words "one year, or fine which may extend to two thousand rupees", the words "three years, or with fine which may extend to ten lakh rupees" shall be substituted;

(iii) in sub-section (2),—

(a) for the word and figure "section 7", the words and figures "section 4, section 7" shall be substituted;

(b) for the words "three months", or with fine which may extend to one thousand rupees", the words "two years, or with fine which may extend to ten lakh rupees" shall be substituted;

12. *Amendment of section 11.*— In section 11 of the principal Act, for the words "six months, or with fine which may extend to one thousand rupees", the words "two years, or with fine which may extend to ten lakh rupees" shall be substituted.

13. *Amendment of section 11A.*— In section 11A of the principal Act, for the words "six months", the words "two years" shall be substituted.

14. *Amendment of section 11B.*— In section 11B of the principal Act,—

(a) in sub-section (1), for the words "six months, or with fine which may extend to one thousand rupees", the words "two years, or with fine which may extend to ten lakh rupees" shall be substituted;

(b) in sub-section (2), the following proviso shall be inserted, namely:—

"Provided that the power to make rules under this sub-section shall be subject to the provisions of section 14."

Notification

10/2/2007-LA/124

The National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 (Central Act No. 43 of 2007), which has been passed by Parliament and assented to by the President of India on 5-12-2007 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 6-12-2007, is hereby published for general information of the public.

Julio B. Noronha, Under Secretary (Law).

Porvorim, 22nd April, 2008.

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) ACT, 2007

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ACT

to make special provisions for the National Capital Territory of Delhi for a further period up to 31st December, 2008 and for matters connected therewith or incidental thereto.

Whereas there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

And whereas the Master Plan of Delhi, 2001 has been extensively modified and notified by the Central Government on 7th February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

And whereas, the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

And whereas a revised policy for relocation and rehabilitation of slum dwellers in the National Capital Territory of Delhi is also under consideration of the Central Government;

And whereas a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021;

And whereas some time is required for making orderly arrangements in accordance with the revised policy for relocation and rehabilitation of slum dwellers of Delhi as well as for putting in place the scheme for regulation of urban street vendors in terms of the Master Plan of Delhi, 2021 and also the national policy in this regard;

And whereas the Central Government has considered and finalised a policy regarding regularisation of unauthorised colonies, village *abadi* area and its extension, as existed on the 31st day of March, 2002 for which the guidelines are being framed;

And whereas the Central Government require time to take a considered view on the policy regarding existing farm houses involving construction beyond permissible building limits and regarding schools, dispensaries, religious institutions and cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, *inter alia*, in the light of recommendations of the Expert Committees constituted by the Central Government in the year 2006.

And whereas the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007 for making special provisions for the areas of the National Capital Territory of Delhi for a further period of one year promulgated on 4th July, 2007 will cease to operate from the 21st day of September, 2007;

Ord. 6 of
2007.

And whereas the National Capital Territory of Delhi Laws (Special Provisions) Bill, 2007 introduced in Parliament to replace the National Capital Territory of Delhi Laws (Special Provisions) Ordinance, 2007 could not be taken up for consideration and passing since Parliament adjourned *sine die*;

Ord. 6 of
2007.

And whereas it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to 31st December, 2008 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above which are expected to be finalised within the period so extended;

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. Short title, extent and commencement and duration.— (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the 19th day of May, 2007.

(4) It shall cease to have effect on the 31st day of December, 2008 except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

2. Definitions.— (1) In this Act, unless the context otherwise requires,—

(a) "building bye-laws" means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings;

(b) "Delhi" means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957;

(c) "encroachment" means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) "local authority" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994, or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction;

(e) "Master Plan" means the Master Plan for Delhi with the perspective for

the year 2021 notified, *vide* the notification number S. O. 141(E), dated 7th February, 2007 under the Delhi Development Act, 1957; 61 of 1957.

(f) "notification" means a notification published in the Official Gazette;

(g) "punitive action" means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) "relevant law" means in case of—

(i) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

(i) "unauthorised development" means use of land or use of building or construction of building or development of colonies, village *abadi* area and its extension, carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

(2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994. 61 of 1957. 66 of 1957. 44 of 1994.

3 **Enforcement to be kept in abeyance.**— (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible

measures to finalise norms, policy guidelines and feasible strategies to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

(a) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in accordance with provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(b) strategy for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

(c) scheme containing guidelines for regularisation of unauthorised colonies, village *abadi* area and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo*—

(i) as on the 1st day of January, 2006 in respect of encroachment or unauthorised development; and

(ii) in respect of unauthorised colonies, village *abadi* areas and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1)

shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2008.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2008, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4 Provisions of this Act not to apply in certain cases.— During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and *Jhuggi-Jhompri* dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area and its extension, in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. Power of Central Government to give directions.— The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities to comply with such directions.

6. Repeal and savings.— (1) The National Capital Territory of Delhi Laws (Special Provisions) Second Ordinance, 2007 is hereby repealed.

Ord. 7 of
2007.

(2) Notwithstanding such repeal, anything done or any action taken under the National Capital Territory of Delhi Laws (Special Provisions) Second Ordinance, 2007, shall be deemed to have been done or taken under the corresponding provisions of this Act.

Ord. 7 of
2007.